

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – Registration & Stamps Department – Certain allegations against Sri Samiullah Shareef, former Joint Sub-Registrar, R.O. (O.B), Hyderabad District (now retired) – Departmental proceedings initiated under rule 9 of A.P.R.P. Rules, 1980 – To impose a penalty of 10% cut in pension for two years – Final orders - Issued.

REVENUE (VIG.VI) DEPARTMENT

G.O.Rt.No. 1387

Dt:22.09.2012.

Read the following:-

- 1) From the DIG, R&S, Hyderabad, Memo.No.IAR/212/2008, dated: 18.6.2009.
- 2) Procdgs.No.IAR/212/2008, dt:30.01.2010 of the DIG, R&S, Hyderabad,
- 3) From the DR (MV&A), Nalgonda & REO, Lr.No.RE/390/10, dated:03.08.2010.
- 4) From the DIG, R&S, Ranga Reddy, Show cause notice No.493/10, dated: 18.09.2010.
- 5) From Sri Samiullah Shareef, Sub-Registrar (Retd), Statement of Defence dated: 20.12.2010.
- 6) From the DIG, R&S, Ranga Reddy, Proceedings No.493/E/2010, dated: 20.01.2011.
- 7) From the C&IG RS, Hyd.Lr.No.X2/10388/09, dt:14.02.2011.
- 8) Govt.Memo.No.7959/Vig.VI(1)/2011-2, dt:28.06.2011.
- 9) Representation of Sri Samiullah Shareef, Dt:11.08.2012.
- 10) Govt.Lr.No. 7959/Vig.VI(1)/2011-3, dt:10.04.2012.
- 11) Form the Secy., APPSC, Hyd., Lr.No.870/RT/I/2012, Dt:18.05.2012.

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ORDER:

Whereas it was brought to the notice of the Government that the following charges were framed by the Deputy Inspector General, Registration & Stamps, Ranga Reddy District against Sri Samiullah Shareef, former Joint Sub-Registrar, Registrar Office (O.B), Hyderabad District (now retired) in the reference 1st read above:

Charge I:-

"That he registered a document No.2030/2004 without obtaining the copies of Development Agreement and Agreement of Sale with landlord with builders with vendee and also failed to ascertain the value proposed constructions thus caused loss of revenue to the Government."

Charge II:-

"That he registered a document styled as Development Agreement Cum General Power of Attorney and admitted to registration document No.2124/2004 with lesser stamp duty, causing loss of revenue of Rs.34,47,150/- to the Exchequer"

Charge III:-

"That he admitted to registration document No.2126/2004 and evaluated the market value as residential property instead of commercial property, causing loss of revenue of Rs.1,26,925/- to the Exchequer."

2. In reply to the Charge Memo, the Charged Officer did not submit his Written Statement of Defence to the Disciplinary Authority. Further the Disciplinary Authority i.e. the DIG RS, Hyd. ordered for regular enquiry by appointing Sri A.Prabhakara Rao, DR(MV&A) Nalgonda as Regular Enquiry Officer to enquire into the charges and Sri G.Q.Haqqani as Presenting Officer.

3. In the reference 3rd read above, the Regular Enquiry Officer has submitted his findings along with Enquiry Report to the DIG RS, Hyd., holding the charges I & III are proved and the Charge-II is not proved.

4. In the reference 7th read above, while furnishing the above findings of the charges along with enquiry report to the Government, the C&IG RS, AP, Hyd., stated that the Charged Officer retired from service on attaining the age of superannuation on 31.07.2010, and requested the Govt. to take necessary further action in the matter, as the Govt. is the competent authority, as per Rule 9 of A.P. Revised Pension Rules, 1980.

5. After examining the matter, Govt. observed on the charge-I, that the Charged Officer failed to scrutinize the document at the time of registration and caused loss of revenue to the Government; by not collecting stamp duty @5% under Article 6 (B) of Scheduled I.A of I.S.Act on development Agreement/Construction Agreement. It was further observed that in the above said sale deed there was a mention of agreement Dt.26-6-2002, Memorandum of understanding dt.27-6-2002 and revised Memorandum of understanding dt.21.11.2003 between land lords i.e 1 to 5 parties and Developer Party No.6. The Charged Officer did not examine any one of the above agreements and did not examine the right /claim of promoter/Developer in joining in execution of sale deed and caused revenue loss to Govt. With reference to document no 2126/2004 in the charges III the Charged officer clearly violated the circular instructions of the C&IG RS, Hyd. issued in MV.1/208955/2001, Dt:21.8.2001, and there by caused the loss of Revenue to the tune of RS.1,26,925.

6. In view of the above findings, Government provisionally decided to impose a penalty of 50% cut in pension permanently against Sri Samiullah Shareef, former Joint Sub-Registrar, Registrar Office (O.B), Hyderabad District (now retired) under rule 9 of AP Revised Pension Rules, 1980 and issued a notice to the Charged Officer to show cause as to why a penalty of 50% cut in pension permanently should not be imposed on him in view of the charges held proved. Report of the Regular Enquiry Officer was also communicated vide reference 8th read above.

7. In reply to the Show cause notice, the Charged Officer submitted his representation, in the reference 9th read above, wherein he stated that the executants were the absolute owners of the land prior to the existence of ULC Act, 1976, and the registration of Doc.No.2030/2004 was in accordance with Govt. instructions of Memo.No.19213/UL-/87-3, dt:03.12.1987. Further before starting construction of the building, the vendor No.1 to 5 had sold their U.D. share 54 Sq.Yards with 30 Sft M.Terrace to the purchaser. After that the promoter had joined. The written agreement of sale between the promoter and owner is compulsory. Hence it was registered by him. Therefore the question of obtaining development agreement on this document does not arise. Hence he requested to drop the Charge (I). With regard to the Charge (III) the Charged Officer stated that he registered a document styled as sale deed bearing No.2126/2004 with its link Doct.No. 1813/2001. At the time of registration of link Doct.No.1813/2001, the rates specified in G.O.Ms.No.35 were not communicated to him. Hence he applied the market value on the memo basis issued in Memo.No.MV1/20953/01, Dt:21.08.2001. Therefore he requested to drop further action against him.

8. Government have examined the explanation and observed that the contention of the Charged Officer in respect of Charge-I is convincing i.e. the registration of Doc.No.2030/2004 is in accordance with Govt. instructions vide Memo.No.19213/UL-/87-3, dt:03.12.1987, is accepted. Hence the Charge-I is dropped. Further with regards to the Charge-III, the explanation of the Charged Officer is not convincing, as he has failed to establish why he did not adopt the rate per Sq.feet as directed in the Memo communicated by the District Registrar prior to the Registration of this doc.No.2126/2004. Further it is mandatory to comply the said orders. Therefore the Charged Officer has clearly violated the circular instructions of the Commissopmer & Inspector General, Registration and Stamps, Hyderabad while registering the said document and thereby loss caused to the Government Exchequer to a tune of Rs.1,26,925/-. Hence the Charge-III is held proved.

9. Further Government have considered the representation of the Charged Officer partly as above, decided to reduce the proposed punishment, duly obtaining the concurrence of the Andhra Pradesh Public Service Commission. It is therefore hereby ordered to impose a penalty of 10% cut in pension for (2) years against Sri Samiullah Shareef, former Joint Sub-Registrar, Registrar Office (O.B), Hyderabad District (now retired).

10. The Commissioner & Inspector General, Registration and Stamps Department, AP, Hyderabad is requested to take necessary further action accordingly in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRPRADESH)

VINOD.K.AGRAWAL
PRINCIPAL SECRETARY TO GOVERNMENT

To:

Sri Samiullah Shareef, former Joint Sub-Registrar (Retd.), R.O.(O.B.), Hyderabad.
(through Deputy Inspector General, Registration & Stamps, Ranga Reddy.)

The Commissioner & Inspector General, Registration & Stamps, A.P., Hyderabad.

The Deputy Inspector General, Registration & Stamps, Ranga Reddy.

Copy to:

The Secretary, AP Public Service Commission, Hyderabad.

The Accountant General, AP, Hyderabad.

CC.

// FORWARDED :: BY ORDER//

SECTION OFFICER